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In re Application of
BRAUER, John Lionel, et al.
Application No.: 10/018,229
PCT Application No.: PCT/AU00/00617
International Filing Date: 31 May 2000
Priority Date: 31 May 1999
Attorney Docket No.: CULLP0162US
For: OZONE GENERATING APPARATUS

DECISION ON

PETITION

UNDER 37 CFR 1.137(b)

Applicants' "Petition For Revival of an International Application For Patent Abandoned Unintentionally Under 37 CFR 1.137(b)" filed in the United States Patent and Trademark Office on 12 December 2001 is **GRANTED**.

BACKGROUND

On 31 May 2000, applicants filed an international application, PCT/AU00/00617, which claimed a priority date of 31 May 1999. A copy of the international application was communicated to the United States Patent and Trademark Office (USPTO) by the International Bureau on 07 December 2000. On 22 December 2000, a demand for international preliminary examination was filed prior to nineteen months from the priority date. The thirty month period for entering the national stage in the United States expired at midnight on 30 November 2001.

On 12 December 2001, applicants filed a transmittal letter for entry into the national stage in the United States, which was accompanied by, *inter alia*, a petition to revive, payment of the petition fee and payment of the basic national fee.

DISCUSSION

A petition to revive an abandoned application under 37 CFR 1.137(b) must be filed without intentional delay from the time the application became abandoned and/or applicant first became aware of the abandoned status of the application. A petition under 37 CFR 1.137(b) must be accompanied by (1) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional, (2) a proposed response, (3) the petition fee required by law (37 CFR 1.17(m)), and (4) a terminal disclaimer and fee (if the international application was filed prior to June 8, 1995).

Applicants state "the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional," as

Application No. 10.018.229

required by 37 CFR 1.137(b)(3). The appropriate national fee and petition fee have been submitted. A terminal disclaimer is not required as application was filed on or after 08 June 1995. Accordingly, all requirements under 37 CFR 1.137(b) have been satisfied.

CONCLUSION

The petition to revive the application abandoned under 37 CFR 1.137(b) is **GRANTED** as to the National Stage in the United States of America.

This application is being forwarded to the National Stage Processing Division of the Office of the PCT Operations for continued processing, including preparation of a Notification of Missing Requirements (Form PCT/DO/EO/905) indicating that an oath or declaration and the surcharge for filing the oath or declaration after thirty months are required.

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